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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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9 UNITED STATES OF AMERICA,) 2:14-CR-00185-LDG-GWF
10)
11 Plaintiff,)
12)
13 JAMES ELLIS PAYNE,)
14 Defendant.)
15 _____)

16 **STIPULATION FOR EXTENSION OF TIME**

17 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for
the United States of America, and Heidi A. Ojeda, Assistant Federal Public Defender, counsel
for Defendant JAMES ELLIS PAYNE, that the date for the Government to file a response to the
Defendant's Motion to Suppress (Docket #29) be extended for two (2) weeks.

This stipulation is entered for the following reasons:

1. The Defendant's Motion was filed and served on January 12, 2015. Undersigned
counsel for both the Government and the Defendant were preparing for a suppression hearing in
the matter of *United States v. Charles Cooper*, 2:14-cr-228-JAD-CWH, which occurred on
January 29, 2015.

2. Additionally, due to the press of business, Government counsel has not had
adequate time to fully brief the issues contained within the Defendant's Motion to Suppress.

1 3. The Defendant is incarcerated, but he does not object to the continuance of the
2 Government's response deadline.

3 4. The additional time requested herein is not sought for purposes of delay, but
4 merely to allow the Government adequate time to prepare an appropriate response to the
5 Defendant's Motion to Suppress.

6 5. Additionally, denial of this request for continuance could result in a miscarriage
7 of justice.

8 6. This is the first stipulation filed herein to continue the Government's response
9 deadline.

10 DATED: January 29, 2015.

11 /s/
12 PHILLIP N. SMITH, JR.
13 Assistant United States Attorney
14 Counsel for the United States

15 /s/
16 HEIDI A. OJEDA
17 Assistant Federal Public Defender
18 Counsel for Defendant JAMES ELLIS PAYNE
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,) **2:14-CR-00185-LDG-GWF**
)
)
Plaintiff,)
)
)
v.)
)
JAMES ELLIS PAYNE,)
)
Defendant.)
)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Defendant's Motion was filed and served on January 12, 2015. Undersigned counsel for both the Government and the Defendant were preparing for a suppression hearing in the matter of *United States v. Charles Cooper*, 2:14-cr-228-JAD-CWH, which occurred on January 29, 2015.

2. Additionally, due to the press of business, Government counsel has not had adequate time to fully brief the issues contained within the Defendant's Motion to Suppress.

3. The Defendant is incarcerated, but he does not object to the continuance of the Government's response deadline.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow the Government adequate time to prepare an appropriate response to the Defendant's Motion to Suppress.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. This is the first stipulation filed herein to continue the Government's response deadline.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion response deadline.

CONCLUSIONS OF LAW

The additional time requested herein is not sought for purposes of delay, but merely to allow the Government adequate time to prepare a response to the Defendant's Motion to Suppress, taking into account due diligence. The failure to grant said continuance would likely result in a miscarriage of justice.

ORDER

IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the Government to respond to the Defendant's Motion to Suppress (Docket #29) is extended until February 12 , 2015.

UNITED STATES MAGISTRATE JUDGE
Dated: 1/30/2015

UNITED STATES MAGISTRATE JUDGE
Dated: 1/30/2015

Dated: 1/30/2015